

ASSEMBLY BILL

No. 335

Introduced by Assembly Member Mazzoni

February 11, 1999

An act to amend, add, and repeal Section 24216.5 of the Education Code, relating to the State Teachers' Retirement System, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 335, as introduced, Mazzoni. State Teachers' Retirement System: class size.

Existing law, until July 1, 2002, exempts the compensation earned by a member of the State Teachers' Retirement System from specified postretirement compensation limitations if, among other requirements, the member is employed by a school district to provide direct classroom instruction in newly created grades kindergarten to 3 or temporarily fill a position in grades 4 to 12 that was vacated due to a teacher transferring to a classroom in grades kindergarten to 3 within the same district to meet the objectives of the Class Size Reduction Program.

This bill would revise, until July 1, 2000, the employment requirements applicable to the above described exemption to require that the member be employed by the school district to provide direct classroom instruction in classrooms created pursuant to specified provisions of existing law regarding class size reduction or to temporarily fill a position that was vacated due to a transfer pursuant to those provisions. The bill would

provide that the above-described provisions of existing law would be restored on July 1, 2000, and remain in effect until July 1, 2002.

Existing law, until July 1, 2002, provides that, upon written request, a member who retired on or before July 1, 1996, and who, within a specified period of time, terminated his or her service retirement allowance and returned to employment that qualifies for the exemption described in existing law described above may cancel his or her reinstatement and return to retirement status as if the service retirement allowance had not been terminated.

This bill would delete this provision but would provide that a similar provision would become operative on July 1, 2000, and remain in effect until July 1, 2002.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 24216.5 of the Education Code is
2 amended to read:

3 24216.5. (a) The compensation earned by a member
4 who retired for service under this part shall be exempt
5 from subdivisions (d), (f), and (g) of Section 24214, if all
6 of the following conditions are met:

7 (1) The member retired for service with an effective
8 date on or before July 1, 1998.

9 (2) The member retired for service is employed by a
10 school district to provide *either one of the following*:

11 (A) Direct classroom instruction to students in ~~newly~~
12 ~~created grades kindergarten through 3; or classrooms that~~
13 ~~were created to meet the class size reduction~~
14 ~~requirements of Part 28 (commencing with Section~~
15 ~~51000).~~

16 (B) Is temporarily filling a position ~~in grades 4 through~~
17 ~~42~~ that was vacated due to a teacher transferring to a
18 classroom ~~in grades kindergarten through 3~~ within the
19 same district that was created to meet the ~~objectives of~~



~~the Class Size Reduction Program set forth in Chapter 6.10 (commencing with Section 52120) class size reduction requirements of Part 28 (commencing with Section 51000).~~

(3) All members retired for service whose employment with a school district meets the conditions specified in this section shall be treated as a distinct class of temporary employees within the existing bargaining unit whose service shall not be included in computing the service required as a prerequisite to attainment of or eligibility for classification as a permanent employee of a school district. The compensation for service performed by this class of employees shall be established in accordance with subdivision (b) of Section 24214 and agreed to in the collective bargaining agreement between the employing school district and the exclusive representative for the existing bargaining unit within which these temporary employees of the school district are treated as a distinct class.

(4) The employing school district submits documentation required by the system to substantiate the eligibility of the temporary employment of a member retired for service for the exemption under this subdivision.

(b) A school district that employs a member retired for service pursuant to this section shall maintain accurate records of the retired member's compensation earned and shall report that compensation monthly to the system regardless of the method of payment or the source of funds from which the compensation is paid.

~~(c) Upon written request to the system, a member who retired for service under this part with an effective date on or before July 1, 1996, and who, between July 1, 1996, and 60 days following the effective date of this section, terminated his or her service retirement allowance and returned to employment that qualifies for the exemption specified in subdivision (a) may cancel his or her reinstatement and return to status as a member retired for service as if the service retirement allowance had not been terminated.~~

1 ~~(d)~~ This section shall not apply to the compensation
2 earned for creditable service performed by a member
3 retired for service for a county office of education or a
4 community college district.

5 ~~(e)~~

6 ~~(d)~~ This section shall ~~become operative on July 1, 1996,~~
7 ~~and shall~~ remain in effect only until July 1, ~~2002, 2000,~~ and
8 as of that date is repealed unless a later enacted statute
9 which is enacted before July 1, ~~2002, 2000,~~ deletes or
10 extends that date.

11 SEC. 2. Section 24216.5 is added to the Education
12 Code, to read:

13 24216.5. (a) The compensation earned by a member
14 who retired for service under this part shall be exempt
15 from subdivisions (d), (f), and (g) of Section 24214, if all
16 of the following conditions are met:

17 (1) The member retired for service with an effective
18 date on or before July 1, 1998.

19 (2) The member retired for service is employed by a
20 school district to provide either one of the following:

21 (A) Direct classroom instruction to students in newly
22 created grades kindergarten through 3.

23 (B) Is temporarily filling a position in grades 4 through
24 12 that was vacated due to a teacher transferring to a
25 classroom in grades kindergarten through 3 within the
26 same district that was created to meet the objectives of
27 the Class Size Reduction Program set forth in Chapter
28 6.10 (commencing with Section 52120) of Part 28.

29 (3) All members retired for service whose
30 employment with a school district meets the conditions
31 specified in this section shall be treated as a distinct class
32 of temporary employees within the existing bargaining
33 unit whose service shall not be included in computing the
34 service required as a prerequisite to attainment of or
35 eligibility for classification as a permanent employee of a
36 school district. The compensation for service performed
37 by this class of employees shall be established in
38 accordance with subdivision (b) of Section 24214 and
39 agreed to in the collective bargaining agreement
40 between the employing school district and the exclusive

1 representative for the existing bargaining unit within
2 which these temporary employees of the school district
3 are treated as a distinct class.

4 (4) The employing school district submits
5 documentation required by the system to substantiate
6 the eligibility of the temporary employment of a member
7 retired for service for the exemption under this
8 subdivision.

9 (b) A school district that employs a member retired
10 for service pursuant to this section shall maintain
11 accurate records of the retired member's compensation
12 earned and shall report that compensation monthly to the
13 system regardless of the method of payment or the source
14 of funds from which the compensation is paid.

15 (c) Upon written request to the system, a member
16 who retired for service under this part with an effective
17 date on or before July 1, 1996, and who, between July 1,
18 2000, and October 30, 2002, terminated his or her service
19 retirement allowance and returned to employment that
20 qualifies for the exemption specified in subdivision (a)
21 may cancel his or her reinstatement and return to status
22 as a member retired for service as if the service
23 retirement allowance had not been terminated.

24 (d) This section shall not apply to the compensation
25 earned for creditable service performed by a member
26 retired for service for a county office of education or a
27 community college district.

28 (e) This section shall become operative on July 1, 2000,
29 and shall remain in effect only until July 1, 2002, and as of
30 that date is repealed unless a later enacted statute which
31 is enacted before July 1, 2002, deletes or extends that date.

32 SEC. 3. This act is an urgency statute necessary for the
33 immediate preservation of the public peace, health, or
34 safety within the meaning of Article IV of the
35 Constitution and shall go into immediate effect. The facts
36 constituting the necessity are:

37 In order to increase the teaching staffs of public schools,
38 it is necessary that this bill take effect immediately.

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